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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
Harrisburg Division

JOHN RICHARD JAE,
Plaintiff,

vs.

DR. ROBERT CLARK, et al.,

Defendants

CIVIL No. 1:00-cv-01030
U.S. District Judge Ramo
Magistrate Judge Smyer
FILED
HARRISBURG
NOV 20 2000

MARY E. D'ANDREA, CLERK
Deputy Clerk

PLAINTIFF'S APPEAL TO THE U.S. DISTRICT COURT
JUDGE FROM THE U.S. MAGISTRATE JUDGE'S ORDER OF
NOVEMBER 7, 2000

COMES NOW the Plaintiff & his Sec. counsel in the above entitled
CIVIL Action, John Richard Jae, as a Layman who has read the Acts & Sections
the Laws & Legal Procedures within the United States, & now files
Plaintiff's Appeal to the U.S. District Court Judge from the
Magistrate Judge's order of November 7, 2000, & further
1- on October 6, 2000, U.S. Magistrate Judge J. Andrews, my self,
the following order, herein the above entitled CIVIL Action,

"AND NOW, this 6th day of October, 2000, IT IS HEREBY ORDERED
that within fifteen days of the date of this order defendants Dragovich,
Palakovich, Noratney, Kazar and Andrade shall file any
relevant evidence they wish concerning the issue of
imminent danger and a Supplemental brief in support of
their motion. Within fifteen days after the filing
of the brief and evidence by defendants Dragovich,
Palakovich, Noratney, Kazar and Andrade, the
Plaintiff shall file any relevant evidence
he wishes concerning the issue of imminent
danger and a brief in opposition to the
motion to revoke his in forma
pauperis status." //

1/ See the U.S. Magistrate Judge's order of
October 6, 2000, herein this case, at 10-11.

2. On October 23, 2000, corrections Defendants Dragovich, Balakrishnan, Novotney, Kazar & Andrade, by counsel, filed their relevant evidence & Supplemental Brief herein this case.

3. On or About October 30, 2000, this Plaintiff filed his Motion For Enlargement of Time, in which to file his relevant evidence & Brief in opposition to defendants' motion to revoke Plaintiff's In Forma Pauperis status and to defer filing of responsive pleading to Plaintiff's Amended Complaint, herein this case.

4. On November 7, 2000, U.S. Magistrate Judge Smyth issued the following order on Plaintiff's above motion for enlargement of time, herein this case:

"AND NOW, this day of November, 2000, I hereby ORDERED that the Plaintiff's motion (doc. 41) for an enlargement of time to file his supplemental brief in opposition to the motion of defendants Dragovich, Balakrishnan, Novotney, Kazar and Andrade to revoke his in forma pauperis status is GRANTED. The Plaintiff shall file relevant evidence he has concerning the issue of imminent danger and a supplemental brief in opposition to the motion to revoke his in forma pauperis status on or before December 15, 2000. No further extensions of time will be granted."

and this order is dated November 7, 2000.

5. Plaintiff now files his Appeal to the U.S. District Judge from the U.S. Magistrate Judge's November 7, 2000 order, because such is unfair and unjust, based upon

1. Plaintiff appeals from and specifically objects the part of the above-referenced U.S. Magistrate Judge's which states/orders, that:

"No further extensions of time will be granted."

have photocopies made of his Brief In Opposition Defendants' Motion To Revoke Plaintiff's In Forma Pauperis Status And To Defer Filing Of Responsive Pleading Plaintiff's Amended Complaint, nor with which to purchase enough paper and carbon paper to make carbon copies of such Brief herein this case.

III. That, Prison officials here at SCI-Greenfield do not provide any free photocopying of legal documents not even when the Prisoner-Plaintiff is totally financially indigent, as this Plaintiff is herein.

IV. That, in accordance with Pa. Dept. of Corrections Administrative Directive, DC-ADM. #803-VI-C, Plaintiff, as an indigent inmate, is entitled to receive more than 100 sheets of paper per month/ every 30 days.

V. That, this above-referenced 30 day period, goes from the 1st day of each calendar month until the last day of each calendar month.

VI. The Prison Librarian is the person who gives such free paper to indigent inmates here at SCI-G. However, the Prison Librarian has, in violation of the Prison Policy, illegally refused to give this indigent Prisoner/Plaintiff any more free paper for the month of November, 2000, even though he has only received 50 sheets of paper and 5 carbons thus far in November, 2000.

VII. That, Plaintiff's Reply Brief In Opposition to Corrections Defendants' Motion To Revoke Plaintiff's In Forma Pauperis Status is forty (40) pages. Plaintiff needs three (3) copies of such (one copy - counsel, herein, and a copy for himself) for a total of 120 pages/pieces of paper.

VIII. Thus, Plaintiff does not have enough paper to make carbon copies of the Brief herein.

present due date for such of December 15, 2000 and thus he will still need one (1) more enlargement of time of (20) twenty days or until January 4, 2001.

In order to enable him to receive enough paper to and serve his Brief in opposition to Corrections Department to Revoke Plaintiff's In Forma Pauperis Status And to Defer Filing of Responsive Pleading to Plaintiff's Amended Complaint herein this case, but the U.S. Magistrate Judge has unfairly denied him such here by ordering no further extensions of time will be granted.

IX. That, this same U.S. Magistrate Judge has and repeatedly allowed & granted Prison Officials/Defendants and their attorneys more than one enlargement of time at a time when they have requested such in Plaintiff's various Prison Lawsuits before this Court and thus here he is showing favoritism to Prison Officials & their attorneys & is discriminating against this Plaintiff, which is unfair & unjust.

X. That, by his order of November 7, 2000, herein U.S. Magistrate Judge illegally denies this Plaintiff 1st & 14th Amendments, U.S. Constitution all Rights of access to the Courts and to due process of the law, given the facts that because of & based upon that stated herein above & SUPRA, there is just no way possible that Plaintiff can file his Brief by December 15, 2000, herein this case.

CONCLUSION

(W) HEREFOR, Plaintiff John Richard Doe prays that the Court/District Judge will Reverse the November 7, 2000 order of the U.S. Magistrate Judge, herein, and order that Plaintiff shall be permitted to request one (1) more enlargement of time to file his Brief herein =

HAND HE SHALL EVER
RESPECTFULLY SUBMITT

Dated = 13th NOVEMBER 2000 =

(S)

MR. JOHN RICHARD DOE
Plaintiff
vs.
Se. Counsel

PAE VS. CLARK, et al.
CIVIL No. 1 = CV-00-1090
CERTIFICATE OF SERVICE

I Certify under penalty of perjury & pursuant to 28 U.S.C. § 1746, that on: 11/14/00, I mailed to the persons listed below by First-Class mail, Registered Mail, a true & correct copy each of the Plaintiff's Appeal to U.S. District Court/Judge FRM The U.S. Magistrate Judge's order of November 7, 2000.

I Certify under penalty of perjury & pursuant to 28 U.S.C. § 1746, that on: 11/14/00, I gave to prison officials for mailing to this court, the original of the above document.

Mr. James D. Kung,
 LAVERY, HERTH, KUNG & PATTERSON, PC
 Attorneys At Law
 P.O. Box 1245
 Harrisburg, PA - 17108-1245

Mr. Robert M. Wolfe
 Assistant Counsel
 Pennsylvania Department of Corrections
 Office of the Chief Counsel
 55 Utley Drive
 Camp Hill, PA - 17001

Dated/Executed on:
 14th NOVEMBER 2000:
 At: Waynesburg, Pennsylvania:

(s) John Richard
 MR. JOHN RICHARD
 Plaintiff and Prisoner